

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN**

TCYK, LLC,)	
)	
)	Case No.: 13-CV-300
Plaintiff,)	
)	
v.)	
)	
DOES 1-99,)	
)	
Defendants.)	

**OBJECTION TO MOTION TO QUASH OF
DOE 64, OWNER OF IP ADDRESS 24.181.168.7 [Document #: 33]**

Doe 64's objection to the subpoena appears to be based on privacy concerns and a claim that they have no knowledge of any downloading. To the extent Doe 64 has any concerns about the potential misuse of the identifying information, this Court's Order permitting discovery already provides adequate safeguards by restricting Plaintiff's use of Doe 64's identifying information to protecting and enforcing its rights as set forth in its Complaint. Moreover, to the extent Doe 64 is claiming that disclosure of any identifying information would constitute a violation of privacy, such a claim is not valid because Doe 64 does not have a legitimate expectation of privacy to information that was voluntarily disclosed to the ISP. *See Achte/Neunte Boll Kino Beteiligungs GmbH & Co. v. Does 1-4*, 577, 736 F. Supp. 2d 212, 216 (D.D.C. 2010) ("[C]ourts have held that Internet subscribers do not have an expectation of privacy in their subscriber information as they already have conveyed such information to their Internet Service Providers." (collecting cases)); *Malibu Media, LLC. v. John Doe Subscriber Assigned IP Address 174.51.234.104*, No. 13-cv-00307 (D. Co. July 14, 2013) (same). Nor was any evidence provided to the Court indicating that Plaintiff or counsel have misused any defendants' identifying information.

As to the denial of liability, this argument is simply not relevant as to the validity or enforceability of the subpoena. *TCYK, LLC v. Does 1-34*, No. 13-C-539 (E.D. Wis. July 25, 2013) (citing *Achte/Neunte Boll Kino Beteiligungs Gmbh & Co. v. Does 1-4*, 736 F. Supp. 2d 212, 215 (D.D.C. 2010) (“[T]he merits of this case are not relevant to the issue of whether the subpoena is valid and enforceable.”)).

Thus, Plaintiff respectfully requests that Doe 64’s motion be denied so that the claims against Doe 64 may be advanced.

DATED: July 25, 2013

Respectfully submitted,

TCYK, LLC

By: s/ Keith A. Vogt
Keith A. Vogt (Bar No. 6207971)
Takiguchi & Vogt
1415 West 22nd Street, Tower Floor
Oak Brook, IL 60523
773.340.9469
KVogt@takiguchiandvogt.com
Attorney for Plaintiff